No. C. 1465—Co. 24-49-9 Bangalore, Dated 11th March 1950.

In exercise of the powers conferred by sub-rule 2 of Rule 81 of the Defence of India Rules, as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (Act XX of 1947) His Highness the Maharaja is pleased to direct that the following amendment shall be made to the Mysore Cotton Textiles (Export Control) Order, 1949 and to direct with reference to sub-rule (1) of rule 119 of the said rules that notice of the amendment shall be given by the publication of the same in the official Gazette, namely :—

I. In clause 2 of the said order, sub-clause (*c*) shall be deleted and the existing sub-clauses (*f*) and (*g*) shall be re-numbered as sub-clauses (*e*) and (*f*).

II. In clause 3 of the said Order, the words " the selling price " shall be deleted.

III. Clauses 5 and 8 of the said Order shall be deleted and the existing clauses 6, 7, 9, 10, 11 and 12 shall be renumbered as clauses 5, 6, 7, 8, 9 and 10, respectively.

IV. In sub-clause (*b*) of Clause 7 so renumbered, the words "and the prices charged therefor " shall be deleted.

By Order of His Highness the Maharaja,

No. C. 1478—Co. 23-49-37, Bangalore, dated 13th March 1950.

In exercise of the powers conferred by Section 3 and clause (a) of Sub-section (1) of Section 4 of the Mysore Drugs (Control) (Emergency) Act, 1949 (Act No. LXVIII of 1949), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drugs in the said schedule specified in column 1 hereunder, which are manufactured by Lederle Laboratories (India), Ltd., Bombay, for the prices

specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted :—

Lederle Laboratories (India), Ltd., Bombay.

		Rs. a. p.
(i) Folvite with liver extract, crude Brand of folic acid (c), Each c.c. contains: .. 2 U.S.P. Folvite 2 mg. liver injection Crude 2 U.S.P. units ... 10 c.c.		9 6 0
(ii) Vitamin B complex Parenteral, Each c.c. contains: 5 U.S.P. units liver extract (c)	5 c.c.	9 2 0

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agricultural Departments.

No. Fl. 7084—S.T. 9-49-3, dated Bangalore, the 6th March 1950.

The following draft of an amendment to the Mysore Sales Tax Rules, 1948, which it is proposed to make in exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948, (XLVI of 1948), is hereby published for the information of all persons likely to be affected thereby as required by sub-section (4) of the said section.

Notice is hereby given that the draft will be taken into consideration after four weeks from the date of publication of this notification in the *Mysore Gazette.*

Objections or suggestions, if any, to the said draft may be sent to the Legal Remembrancer and Secretary to Government, Law Department, Public Offices, Bangalore, through the Commissioner of Sales Tax in Mysore, Bangalore, for consideration so as to reach him within the said date.

DRAFT AMENDMENT.

In the Mysore Sales Tax Rules, 1948, after clause (iii) of rule 9 the following clause shall be inserted, namely :—

"(iv) The sale of textiles manufactured by Mills shall be liable to tax under section 3, sub-section (i) when sold by a person who in Mysore is the first dealer in such

goods who is not exempt from taxation under section 3 (3) provided that the burden of proving that a transaction is not liable to taxation under this clause shall be on the dealer."

By Order of His Highness the Maharaja,

No. Fl. 7171—S.T. 9-49-4, dated Bangalore, 10th March 1950.

In exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948 (XLVI of 1948), the Rajpramukh of Mysore His Highness the Maharaja is pleased to make the following further amendments to the Mysore Sales Tax Rules, 1948, the same having been previously published in the *Mysore Gazette* as required by sub-section (4) of the said section.

In the Mysore Sales Tax Rules, 1948,—

(1) To Rule 13, the following proviso shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st day of March 1950, a dealer's liability to pay any tax for that year shall be fixed *pro rata* on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1948-49 and the tax payable being recovered in quarterly instalments."

(2) To Rule 14, the following proviso shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st day of March 1950, a dealer's liability to any tax for that year shall be fixed *pro rata* on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1948-49, the tax payable being recovered in quarterly instalments."

(3) To Rule 16, the following provisos shall be added, namely :—

"(i) Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st day of March 1950 if the notice aforesaid has been issued to the dealer before the 10th March 1950, it shall be deemed to have been lawfully issued and the tax payable for the first three quarters shall be deemed to have been lawfully fixed in respect of the year 1949-50 :

(ii) Provided further that, if no such notice is issued to the dealer before the 10th March 1950, the assessing authority shall issue a notice to him in Form VIII-2 for the three quarters of the year."

(4) After clause C (*a*) of sub-rule (4), Rule 17, the following proviso shall be inserted, namely :—

"Provided that in respect of the year 1949-50 the assessing authority shall make provisional assessment for the three quarters of the year. Provided also that the dealer's liability to pay any tax for that year shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1948-49".

(5) In Rule 17 (4), after the first sentence, the following provisos shall be inserted, namely :—

"(i) Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st day of March 1950 if the notice aforesaid has been issued to the dealer before the 10th March 1950, it shall be deemed to have been lawfully issued and the tax payable for the first three quarters shall be deemed to have been lawfully fixed in respect of the year 1949-50.

(ii) Provided further that if no such notice is issued to the dealer before the 10th March 1950, the assessing authority shall issue a notice to him in Form VIII-2 for the three quarters of the year.

(iii) Provided also that in respect of the year beginning on the first day of April 1950, he shall continue to pay tax as in the last quarter of the preceding year."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. L.S. 3875—Lw. 200-49-2, dated Bangalore, 9th March 1950.

In pursuance of sub-section (3) of Section (1) of the Mysore Shops and Establishments Act, 1948, (Act II of 1948), the Rajpramukh of Mysore, His Highness the Maharaja, is pleased to direct that all the provisions of the said Act shall come into force on 15th April 1950 in Davangere City.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

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EXTRAORDINARY

BANGALORE, SATURDAY, MARCH 18, 1950.

PART IV

Section 2-A.

BILLS TO BE INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF MYSORE.

Under rule 36 of the Mysore Legislative Rules, the following Bill, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE MAINTENANCE OF PUBLIC ORDER BILL, 1950.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title, extent and duration.

2. Control of meetings, processions, etc.

3. Control of camps, drill or parades.

4. Wearing or display of uniforms, etc.

5. Curfew.

6. Possession of unlicensed arms and import of arms prohibited in disturbed areas.

7. Imposition of collective fines.

Clauses.

8. Power to impose censorship.
9. Control of commodities, etc.
10. Incitement to violence, etc.
11. Protected areas.
12. Powers to require the assistance of certain persons.
13. Powers of search.
14. Power to seize and search for copies of documents which have been forfeited.
15. Power to arrest without warrants.
16. Attempts to contravene provisions of the Act.
17. Delegation of powers and duties of the Government.
18. Savings as to orders.
19. Protection of action taken under the Act.
20. Application of other laws not barred.
21. Power to make rules.
22. Repeal and savings.

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THE MYSORE MAINTENANCE OF PUBLIC ORDER BILL, 1950.

A Bill to provide for control of meetings and processions, imposition of collective fines, and certain other purposes.

WHEREAS it is expedient for the maintenance of public order in Mysore State, to provide for control of meetings and processions, imposition of collective fines, and certain other purposes ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Maintenance of Public Order Act, 1950. Short title, extent, and duration.

(2) It extends to the whole of Mysore State.

(3) It shall remain in force for a period of two years.

2. (1) The State Government may, for the purpose of securing the maintenance of public order, by general or special order, prohibit, restrict or impose conditions upon the holding of, or taking part in, processions, meetings, or assemblies by a class of persons or organizations whose activities, in the opinion of the State Government, are subversive of law and order. Control of meetings, processions, etc.

(2) If any person contravenes any order issued under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

3. (1) The State Government may, in the interests of maintenance of public order, by order, prohibit or impose such conditions as may be necessary on the holding of camps or performance of drill or parade with or without arms, or any article, weapon or implement capable of being used as arms by any class of persons or organizations whose activities are in the opinion of the State Government subversive of law and order. Control of camps, drill or parades.

(2) Any contravention of an order made under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Wearing or display of uniforms, etc.

4. (1) If the State Government are satisfied that—

(*a*) the wearing in public of any dress or article of dress resembling any uniform or part of a uniform required to be worn by a member of the Armed Forces of the Union or of any Police or other forces constituted under any law for the time being in force, or

(*b*) the wearing or display in public of any distinctive dress or article of dress or any emblem or token,

is likely to prejudice the maintenance of public order, they may, by order notified in the *Mysore Gazette*, prohibit or regulate the wearing or display in public of any such dress, article of dress, emblem or token.

(2) For the purposes of this section, a person wherever he may be, shall be deemed to wear or display in public, a dress, article of dress, emblem or token, if it is so worn or displayed as to be visible from any place to which public have access.

(3) Whoever contravenes any order made under this section shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Curfew.

5. (1) The District Magistrate, whenever it appears to him to be necessary to ensure the maintenance of public order, may by order direct that subject to any specified exemption,—

(*a*) no person present within any specified area shall, between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person ;

(*b*) no person within a specified area shall put up any barricade or any obstruction across, or in any public road, or public place or part thereof.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Possession of unlicensed arms and import of arms prohibited in disturbed areas.

6. (1) When any disturbance has broken out or is apprehended in any area in the State, the State Government may, by notification in the *Mysore Gazette*, declare such area to be a disturbed area.

(2) Notwithstanding anything in any other law for the time being in force, if, in any area which has been notified by the State Government to be a disturbed area, any arms for which he has no valid license are found in the possession of any person or in any premises which are ordinarily in his occupation or control, then, such person shall be punishable with imprisonment for a term which may extend to five years or with fine or with both:

Provided that no person shall be deemed to have committed any offence under this sub-section in respect of any arms found in any premises which are ordinarily in his occupation or control, if he proves that he had no knowledge of such arms being in such premises and that he had taken reasonable care to prevent such arms being kept therein.

(3) Whoever imports arms of any description into any area which has been notified by the State Government to be a disturbed area without a license in that behalf obtained from a Magistrate of the first class having jurisdiction over such area shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both, and the Court trying the offence shall order that the arms in respect of which the offence has been committed shall be forfeited to the State Government.

(4) No prosecution shall be instituted against any person for an offence punishable under this section except with the previous sanction of the State Government, and the wearing and carrying of a *kirpan* by any person professing the Sikh religion shall not be deemed to be an offence under this section.

(5) For the purposes of this section, 'arms' includes fire arms, bayonets, swords, daggers, spears, spearheads, bows and arrows and parts of such arms.

Imposition of collective fines.

7. (1) If it appears to the State Government that the inhabitants of any area are concerned in, or abetting the commission of, offences prejudicially affecting the

maintenance of public order or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the State Government may, by notification in the *Mysore Gazette*, and by publication in such other manner as they think fit, impose a collective fine on the inhabitants of that area :

Provided that an imposition of a collective fine by any officer or authority to whom the power may have been delegated under this Act may be made by publication of the order imposing the fine in such manner as such officer or authority may consider best calculated to bring the order to the notice of the inhabitants of the area concerned.

(2) The State Government or any officer empowered by them in this behalf may, by general or special order, exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the Magistrate's judgment of the respective means of such inhabitants.

(4) In any such apportionment, the Magistrate may direct a joint or undivided family as such to pay such portion of the fine as may be assigned to it.

(5) The portion of such fine payable by any person (including a joint or undivided family) may be recovered—

(*a*) in the manner provided by the Code of Criminal Procedure, 1904, for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the Magistrate acting as a Court :

Provided that the State Government may, in lieu of the rules referred in sub-section (2) of section 386 of the Code of Criminal Procedure, 1904, make rules under this Act regulating the manner in which warrants under clause (*a*) of sub-section (1) of the said section of the said

Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

(*b*) as arrears of land revenue.

(6) The State Government or the officer empowered under sub-section (2) may, after making such enquiry as may be deemed necessary, refund either wholly or in part any fine paid by or recovered from any person under this section.

Power to impose censorship.

8. (1) The State Government may, for the purpose of securing the maintenance of public order, by order addressed to a printer, keeper of a printing press, publisher or editor, or to printers, keepers of printing presses, publishers and editors generally—

(*a*) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(*b*) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any press, as defined in the Mysore Press and Newspapers Act, 1940;

(*c*) require that any matter relating to or arising out of any matter published in any previous issue of any newspaper be published in any particular issue or issues of such newspaper in such manner as may be specified in the order.

(2) The State Government may for the purpose of securing the maintenance of public order, by order notified in the *Mysore Gazette*, prohibit or regulate the entry into, or the circulation, sale, distribution or possession in the State or any part thereof, of any document or class of documents.

(3) If any person contravenes any order made under sub-section (1), or sub-section (2) then, without prejudice to any other proceedings, which may be taken against such person, the State Government may declare to be forfeited to the State Government every copy of any

document in respect of which the order has been contravened and any press, as defined in the Mysore Press and Newspapers Act, 1940, used in the making of such document.

(4) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(5) For the purposes of this section, 'document' includes—

(*a*) a newspaper, that is to say, any periodical work containing public news or comments on public news;

(*b*) a news-sheet, that is to say, any work (other than a periodical work) containing public news or comments on public news;

(*c*) a book, that is to say, any volume, pamphlet or leaflet in any language, or any part or division of any such volume, pamphlet or leaflet;

(*d*) any sheet of music, map, chart or plan, separately printed or lithographed; and

(*e*) any painting, drawing or photograph or other visible representation.

Control of commodities, etc.

9. (1) If, in the opinion of the State Government, it is essential for the purpose of securing the maintenance of public order, to restrict the removal of any commodity, article or thing from the State, the State Government may, by order notified in the *Mysore Gazette*, direct that no person shall remove such commodity, article or thing from the State without the permission in writing of the District Magistrate.

(2) Whoever contravenes any order made under subsection (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Incitement to violence, etc.

10. (1) Whoever by words spoken or written or by signs or visible representations or otherwise, directly or indirectly instigates or incites any person to use criminal force or violence or to commit mischief against the person or property of any individual or individuals or any

section of the public either immediately or on the occurrence, or, the likelihood of the occurrence of a contingency, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) No prosecution shall be instituted against any person for an offence punishable under this section, except with the previous sanction of the District Magistrate concerned.

Protected areas.

11. (1) It the State Government considers it necessary or expedient to regulate the entry of persons into any area, they may, by order notified in the *Mysore Gazette*, declare the area to be a protected area; and thereupon for so long as the said order is in force, such area shall be a protected area.

(2) On and after such day as may be specified in and subject to any exemptions for which provision may be made by an order made under sub-section (1) no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order, shall be therein, except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) Any Police Officer or any other person authorised in this behalf by the State Government, may search any person entering or seeking to enter, or being or in, or leaving, a protected area, and any vehicle, aircraft or article brought in by such person, and may, for the purposes of the search, detain such person, vehicle, aircraft, and article:

Provided that no female shall be searched in pursuance of this sub-section except by a female.

(4) If any person is in a protected area in contravention of the provisions of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any Police Officer on duty in the protected area.

(5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(6) Any person who effects or attempts to effect entry into a protected area—

(*a*) by using, or threatening to use, criminal force to any person posted for the purpose of protecting or of preventing or controlling access to, such place or area, or

(*b*) after taking precautions to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to seven years.

(7) (*a*) The State Government as respect any area declared by them to be protected area, may make orders for controlling or regulating the admission of persons to and the conduct of persons in, and in the vicinity of such area ;

(*b*) Without prejudice to the generality of the foregoing provision, orders made under clause (*a*) in relation to any area may make provision for—

(i) restricting the admission of persons to such area and for removing therefrom any person who is therein in contravention of such orders ;

(ii) for requiring the presence of any person or class of persons in such area to be notified to a prescribed authority ;

(iii) for requiring any person or class of persons in such area to carry such documentary evidence of identity as may be prescribed ; and

(iv) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(*c*) An order made under this sub-section in respect of a protected area may exempt such area from all or any of the provisions of this section which are expressed to apply to or in relation to a protected area or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(*d*) If any person contravenes any order made under this sub-section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Powers to require the assistance of certain persons.

12. (1) Any officer of the State Government authorized in this behalf by general or special order of the State Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct.

(2) If any person fails to comply with any lawful direction given to him under sub-section (1) he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Powers of search.

13. (1) The State Government may, by general or special order, empower any officer to search any place, stop and search any vessel, vehicle or animal, and seize anything which he has reason to believe has been, is being, or is about to be, used for any purpose prejudicial to the maintenance of public order.

(2) Any officer empowered under sub-section (1) shall forthwith report to the State Government in detail, any seizure made by him and pending the receipt of their orders, may detain in custody anything so seized or take such other step for its safe custody as he may think proper.

(3) The State Government may make such order as they think fit for the disposal of anything seized under sub-section (1), by destruction, confiscation or in such other manner as they may direct.

(4) An officer empowered under sub-section (1) may, subject to the control of the State Government, authorise any officer subordinate to him to exercise any of the powers referred to in sub-section (1).

Explanation.—For the purpose of this section, 'place' includes a house, building, shed, enclosure and tent.

Power to seize and search for copies of documents which have been forfeited.

14. If copies of any document are declared to be forfeited to the State Government under sub-section (3) of section 8, any Police Officer may seize the same wherever found in the State and any Magistrate may, by warrant, authorize any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such document may be or may be reasonably suspected to be.

Power to arrest without warrant.

15. Any Police Officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

Attempts to contravene provisions of the Act.

16. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

Delegation of powers and duties of the Government.

17. The State Government may, by order, direct that any power or duty which is conferred or imposed on them shall, in such circumstances and under such conditions, if any, as may be specified in that direction be exercised or discharged by any officer or authority subordinate to the State Government not being in the opinion of the State Government, below the rank of a District Magistrate.

Savings as to orders.

18. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where any such order as is referred to in sub-section (1) purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, as in force in the State, presume that such order was so made by such authority.

Protection of action taken under the Act.

19. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act.

Application of other laws not barred.

20. The provisions of this Act shall be in addition to and not in derogation of any other Act, for the time being in force.

Power to make rules.

21. The State Government may, by notification in the *Mysore Gazette*, make rules for carrying out the purposes of this Act.

22. (1) The Mysore Maintenance of Public Order Act, 1948, (LVIII of 1948), is hereby repealed. Repeal and savings.

(2) Any order made, notification issued, direction given, action or proceeding taken or anything done, under any provision of the Mysore Maintenance of Public Order Act, 1948, shall be deemed to be an order made, notification issued, direction given, action or proceeding taken or thing done under the corresponding provision of this Act and any liability or penalty incurred, any punishment awarded and any prosecution commenced under any provision of the said Act shall be deemed to have been incurred, awarded or commenced under the corresponding provisions of this Act.

Statement of Objects and Reasons.

The Mysore Maintenance of Public Order Act, 1948, provides that its duration shall be one year and empowers the Government to extend the continuance of the Act for a further period of one year. The duration of the Act has accordingly been extended by one year and this period expires on the 6th August, 1950. The situation in the State still demands that the State Government should be adequately armed to meet and deal effectively with the activities of social disruptive forces. It is therefore considered necessary to continue the provisions relating to the maintenance of public order for a further period of two years. In view of the fact that in a recent judgment of the Federal Court of India it has been held that the Legislature cannot delegate its power of extending the duration of an enactment it is considered desirable to re-enact the measure.

T. MARIAPPA,

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.